



THE NAVAJO NATION

OFFICE OF THE PRESIDENT & VICE PRESIDENT

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Navajo Vice President Ben Shelly testifies against bill that misplaces administration of Utah Navajo Trust Fund

WINDOW ROCK, Ariz. – Navajo Nation Vice President Ben Shelly testified before the Senate Indian Affairs Committee in Washington, D.C., today against a bill that would place administration of the Utah Navajo Trust Fund into the hands of a non-government, non-profit organization with little oversight by the Navajo Nation.

The Vice President testified that the Navajo Nation rightfully should be the trust fund trustee. He said the Navajo Nation is adamantly opposed to Senate Bill 1690.

Senate Bill 1690 introduced by Utah Senator Robert Bennett and would give control of the trust fund to the Utah Dineh Corporation, an entity that was not in existence when the bill was introduced.

“This bill would give control over approximately \$30 million in trust funds to a corporation with zero experience with absolutely no outside capital,” Vice President Shelly told the committee. “Every year an additional \$6 to \$8 million dollars is added to the trust fund. In the event of any breach of trust by the corporation, the beneficiaries would have no remedy against the corporation.

Vice President Shelly told the committee that the Navajo Nation would be an accountable, responsible, and transparent trustee in the Utah Navajo Trust Fund. He said that in the 30 years of administering the current Utah Navajo Trust Fund, the Navajo Nation has never breached its fiduciary responsibility to the trust fund.

“The Navajo Nation has had a successful record of managing, investing and increasing the value of multiple trust accounts,” the Vice President said. “The Office of the Utah Navajo Commission already administers and leverages money from the Utah Navajo Revitalization

Fund, the UNTF, Navajo Nation funds and federal funds for projects on Navajo lands in San Juan County, Utah.”



Navajo Nation Vice President Ben Shelly testified before the Senate Indian Affairs Committee in Washington, D.C., Wednesday against a bill that would place administration of the Utah Navajo Trust Fund into the hands of a non-government, non-profit organization with little oversight by the Navajo Nation.
Mike Wero Photo

The Vice President raised the issue of a lack of tribal government consultation by Senator Bennett, and said that was inconsistent with established U.S. policy to recognize the sovereignty of Native Nations and the right of tribal governments to exercise self-determination in matters concerning native lands, resources and citizens.

“Senate Bill 1690 was introduced by the Honorable Senator Bennett without a single consultation by the Senator or his staff with the Navajo Nation government,” the Vice President said.

Senator Bennett suggested that the problem was a Utah problem and should be solved by their parties.

The Utah Navajo Trust Fund is capitalized completely by royalties from Navajo Nation mineral leases on Navajo Nation lands in Utah, these were added to the Navajo Nation in 1933.

Since the 1970s, the Navajo Nation has been the fiscal agent for all Utah Navajo Trust Fund royalties. It has distributed money every year to the State of Utah from the Nation’s general funds for investment in the Utah Navajo Trust Fund. The beneficiaries of the Utah Navajo Trust Fund are Navajo citizens residing in San Juan County, Utah. Only members of the Navajo Nation are eligible beneficiaries of the Utah Navajo Trust Fund.

“Senate Bill 1690 fails to ensure any accountability or transparency in the use of trust fund money and fails to ensure that the trust will exist into perpetuity for the benefit of future generations of Navajo beneficiaries,” Vice President Shelly said. “Senate Bill 1690 broadly expands the original purposes of the trust and would lead to misuse and misappropriation of trust funds. Senate Bill 1690 would violate the common law of trusts by designating a handful of beneficiaries as the trustee and causing countless conflicts of interest. Frankly, Senators, Senate Bill 1690 is a recipe for disaster.”

“The Navajo Nation needs to be the Trustee of the Utah Navajo Trust Fund,” Vice President Shelly said. “We want to work with Congress, this Committee and the Utah Delegation to make the Navajo Nation a strong, accountable, and transparent Trustee.”

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